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SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I thank Senator Foley for his remarks, and I think he's right. I think Senator Beutler has raised an important issue. However, I, too, will not be supporting the amendment and primarily for two reasons. The first is, of course, the old slippery slope argument, and I'm sure Senator Beutler expected this kind of an argument, but it's true. If we criminalize the drugs concerning the woman's use, then what about alcohol? What about tobacco usage? What about chocolate? What about caffeine? I mean the list does go on and on regarding substances that would be, potentially at least, dangerous to the fetus. That's the first reason I would oppose the Beutler amendment, but probably the second and more important reason is the criminalization of the woman's actions. And I do want to ask Senator Beutler exactly how this would pertain to the woman as far as the act itself is written, if I might.

SENATOR CUDABACK: Senator Beutler, would you yield?

SENATOR BEUTLER: Senator Cudaback, yes. Senator Schimek, I'm sorry, I didn't hear what you said.

SENATOR SCHIMEK: That's okay. Senator Beutler, I want to ask how this would actually pertain to the woman who does use a controlled substance. The...it says that the assault of the unborn child does not apply to any act except, you're saying, except the one in which the woman uses a controlled substance. So my question is, then we have to go back to Section 4, 5, and 6, and look at the offenses listed, and the one offense is a first-degree offense which knowingly causes serious bodily injury, the second one is a second-degree offense which...in which she recklessly causes seriously...serious bodily injury with a dangerous instrument, and the third one is the assault of an...or the offense of assault of an unborn child in the third degree if he or she recklessly causes serious bodily injury to an unborn child. It seems to me that it's arguable that she could be charged, under Section 4, first degree because she knowingly causes serious injury to an unborn child. Would you tell me how you think this would be prosecuted? Which of these offenses would she be prosecuted under?